

AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA, ON SEPTEMBER 9, 2002 AT 3:30 P.M.

PRESENT: Chairman Perry T. Pilgrim, Vice-Chairman Ralph A. Heath, III, and Commissioners Katherine K. Glass, Timothy B. Smith, Harold O. Johns, Randy Gilliland and George E. Wallace

ABSENT: None

ROLL CALL

A call of the roll noted all members.

ITEM I. PLANNING COMMISSION ELECTIONS

Mr. O'Neill, Secretary to the Commission, opened the floor to nominations of Chairman of the Planning Commission.

A motion was made by Commissioner Harold O. Johns to nominate Vice-Chairman Heath as Chairman to the Planning Commission. There were no other nominations for Chairman. A roll call on the vote resulted as follows:

AYES: Smith, Johns, Heath, Glass, Wallace, Gilliland, Pilgrim
NAYS: None
ABST: None
ABSENT: None

Chairman Heath opened the floor to nominations for Vice-Chairman.

A motion was made by Commissioner Katherine K. Glass to nominate Commissioner Johns as Vice-Chairman to the Planning Commission. There were no other nominations for Vice-Chairman. A roll call vote on the motion resulted as follows:

AYES: Smith, Johns, Pilgrim, Glass, Wallace, Gilliland, Heath
NAYS: None
ABST: None
ABSENT: None

ITEM II. MINUTES

There being no additions or corrections, a motion was made by Commissioner Katherine K. Glass, and seconded by Commissioner Randy Gilliland, to approve the minutes of the August 12, 2002 Planning Commission meeting. A roll call vote on the motion resulted as follows:

AYES: Smith, Johns Pilgrim, Glass, Wallace, Gilliland, Heath
NAYS: None

ABST: None
ABSENT: None

ITEM III. YOUTH PLANNER REPORT

Ms. Alicia Tundidor, Youth Planner, stated the youth planners have been working with the Youth Commission on a retreat which took place in Wakefield, Virginia the past weekend. The retreat was to bring the Youth Commission together to create a better bond and focus on the work for the upcoming year. The Hampton Youth Commission Comprehensive Plan Committee developed goals for the year during these activities. Some of the goals included: designing the new security plan for the teen center; marketing tools for advertisements; and discussing a continuing committee for the youth friendly guidebook. Their first public meeting will be held Monday, September 16, 2002 at 7:30 p.m.

ITEM IV. HAMPTON COMMUNITY PLAN

Plan Status

Mr. O'Neill, introduced Ms. Irayda Ruiz, City Planner, who is a new member of the Planning staff. He stated Ms. Ruiz will be working on the Comprehensive/Community Plan process.

Mr. Keith Cannady, City Planner, presented to the Commission the overall Hampton's Community Plan process in regards to updating the 1998 Strategic Plan and 2010 Comprehensive Plan which is a two step process. The first process is identifying an eighteen month schedule to give the Commission an idea of staff's timeline. The second process is to get into some detail regarding the Critical Outcome Focus Group process, which is a process identified to get the community involved in the Community Plan update. It's modeled, to an extent, on the 1998 Strategic Plan. The goal is to give the Planning Commission, as well as other citizens, an opportunity to be thinking about the process and how they would like to participate in the plan. Mr. Cannady described the process, a copy of which is attached hereto and made a part hereof.

Mr. O'Neill stated many of the Commissioners have been involved in community discussions where the agenda for that discussion has focused around single-type issues, but it will not be in the best interest at this stage of the process to have people appointed to the focus group that will come in to discuss their issues (i.e. ditches, sidewalks, etc.). That is not the type of big picture thinking staff is looking for at this stage of the process. He stated from the Commission's experience, they can understand that at some point and time, those issues are relevant, but at this stage of the process, that kind of thinking is not what staff is looking for. Individuals will be engaged later on of those issues, but now, we need people who are future oriented and can see the big picture how the big issues affect the community and can be interrelated and the impact of it.

Mr. Cannady stated the process will take approximately eighteen months with two meetings per month while the Focus Group meetings continues to take place. A facilitator will need to be obtained who will go through the step-by-step process, and in

the end, there will be specific strategies and plans for implementation at the end of Phase Two. He stated staff is approximately thirty to sixty days behind schedule. Staff is also tracking the city's budget process and its recommendations along with this process. He asked the Commission to participate in the process. The idea is to pick an outcome that would interest the Commission that will help the city, and identify options and implementation strategies over the next eighteen months. If the Commission has nominations for the group, they can submit them to either him or Mr. O'Neill. Ultimately, the City Manager will make a recommendation to Council for approval of the nominations as soon as possible. He has received some nominations for the Healthy Business and Healthy Region Group.

Commissioner Gilliland suggested adding public safety to the Hampton Community Plan process.

In response to a question by Commissioner Glass, Mr. O'Neill stated staff would like to get the names as quickly as possible from Commissioner Wallace to submit to Council by the end of this month. He is hoping that Council will be able to endorse the list at the first Council meeting in October, and then they can proceed with the Focus Group meeting.

In response to a question by Commissioner Gilliland regarding the process for adding items to the focus group, Mr. O'Neill stated the Focus Group has community based discussions on what the most important issues are for the community (i.e., modifications to the list described by Mr. Cannady; critical outcome areas and issues). The public safety issue can be presented to the Focus Group as a concern that needs to be discussed. The group can discuss the issue and come back with a recommendation on how to treat it in the plan. It then goes to Council, and Council will ultimately decide or approve the plan in the early/late winter time frame what those critical issues are which will then go forward to strategy and implementation.

In response to a question by Commissioner Gilliland, Mr. O'Neill stated he does not know if there is a process that preempts those discussions regarding public safety. The Commissioners and Council are being asked to participate in these discussions as members of the Focus Groups, particularly in the area where there is an interest. This will give the Commission and Council an opportunity to put forth particular issues that they would like to get on the table for discussion. Staff started with the seven issue areas as a starting point, because they have already been identified, not that they would necessarily be a closed group of issues.

Youth Focus Group Appointments

Ms. Jeryl Phillips, City Planner, stated last month, she briefed the Commission on the strategy for involving young people in the Hampton Community project. She recalled for the Commission the strategy to establish a Youth Focus Group, made up of no more than fifteen high school students that would work on the same critical issue outcomes that the other Focus Groups will be working on, but from a youth perspective. She stated in working together, they could come up with additional important outcomes for the city to achieve what they feel are important to the youth. The Youth Planners and

members from the Planning Department's Comprehensive Planning Team would provide staff support to the Focus Group. During the month of August, the Youth Planners created a flyer and application form for the Youth Focus Group, and they distributed it through the Youth Coalition Office and various youth serving organizations in Hampton, such as Alternatives, Inc. She stated sometimes through various initiatives, those respective groups get involved with or are put in contact with enthusiastic young people. Approximately twenty-five youth submitted applications, and staff decided to interview all of them in a group interview process on August 21st at Sandy Bottom Nature Park. From the interview, ten students were selected to serve as stakeholders and two students were selected as alternates. She stated in part, the criteria used to make the selections was based on criteria established by the Youth Commission's Comprehensive Plan Committee on what it takes to be an important committee member. Another important criterion was to have sufficient diversity in terms of age, gender, race, school affiliation, and current community involvement. The list given to the Commission reflects all of those criteria and diverse perspectives. Representatives are from all of the high schools, both public and private, and two members of the Hampton Youth Commission who will serve as liaisons to the Focus Group. The next step is that the group will have a mandatory orientation session on Thursday, September 12th that will run through the school year. At strategic points along the way, they will be briefed on the work of the other Focus Groups and vice versa, so as to cross-pollinate discussions and strategies. Next summer, the Youth Planners will take the findings and recommendations of the Focus Groups and work with the rest of the Comprehensive Planning staff in the Planning Department to develop the necessary plans to implement their vision. Ms. Phillips respectfully requested that the Commission appoint the members of the Hampton Community's Plan's first Focus Group/Youth Focus Group as she read the names.

There being no further discussion, the Commission approved the following resolution:

WHEREAS: The Planning Commission had before it this day a request by the Planning Department to appoint the following high school students to the Hampton Community Plan's Youth Focus Group:

Megan Conway (Peninsula Catholic); Kevin Curran (Kecoughtan HS); Kristin Durette (Hampton HS); Max Ellison (Kecoughtan HS); Krystal Harding (Hampton HS); Andrea Pippins (Kecoughtan HS); Elmo Robinson (Bethel HS); Shaughanasse Williams (Hampton HS); Meagan Mixon (Bethel HS); and Anne Marie English (Kecoughtan HS); Alternates—Scott Curan (Kecoughtan HS) and Sharneell Simpson (Phoebus HS); and,

WHEREAS: These students were selected through an application and interview process during August 2000; and,

WHEREAS: The Youth Focus Group will work as one of several Focus Groups utilized during the Hampton Community Plan project, and will focus on those issues that are most important from a youth perspective, and will

solicit information from community resources as necessary to accurately articulate a vision and recommendations for a youth agenda to be incorporated into the Hampton Community Plan; and,

WHEREAS: One of the students, Anne Marie English, was present and was asked to stand and be recognized, and Commissioner Gilliland thanked her for her energy and interest in being involved; and,

WHEREAS: There was no further discussion by the Planning Commission.

NOW THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner Glass,

BE IT RESOLVED that the Hampton Planning Commission appoints the above-named persons to the Hampton Community Plan Youth Focus Group.

A roll call vote on the motion resulted as follows:

AYES: Smith, Johns, Pilgrim Glass, Wallace, Gilliland, Heath

NAYS: None

ABST: None

ABSENT: None

PUBLIC HEARING

ITEM V. AMENDMENT OT THE 2010 COMPREHENSIVE PLAN AS ADOPTED BY CITY COUNCIL ON 12/13/89

Chairman Heath read the description of the next agenda item.

Amendment to the 2010 Comprehensive Plan as adopted by City Council on 12/13/89 by the City of Hampton to amend the transportation element to substitute the proposed Interstate 664 connector road to Armistead Avenue for a package of road improvements that include: a four-lane road; the extension of Coliseum Drive from Pine Chapel Road to Armistead Avenue; a new "link road" from Crossroads Parkway and Freeman Drive to Armistead Avenue at its intersection with Reese Drive; the extension of Coliseum Drive; improvements to the LaSalle Avenue interstate interchange and to Armistead Avenue; and improvements to Queen Street from Briarfield Road to Pine Chapel Road. This proposal would also amend the land use element to change the designation of the area around the Coliseum from community facilities to commercial/mixed-use to permit "The Crossroads Project", a convention center, hotel and commercial complex with public open space.

Mr. O'Neill recalled to the Commission, the briefing by staff in August regarding an amendment to the 2010 Comprehensive Plan. He introduced Ms. Caroline Butler, City Planner, to refresh them on the amendment.

Ms. Caroline Butler, City Planner, stated last month, the Planning Commission was briefed on the amendment to the 2010 Comprehensive Plan which is two parts: 1) the land use element; and 2) the transportation element. She directed the Commissioners to view 2010 Comprehensive Plan map, and stated the area around the Coliseum is designated for community facilities. Although there are no changes proposed to the Coliseum building, there are some modifications to the parking lot to allow future commercial development. She stated Planning staff recommends to the Planning Commission to ask City Council to change the designation of the area around the Hampton Coliseum from community facilities to commercial/mixed-use to allow future commercial development. She stated that the next slide showed existing transportation element for the area around Mercury Central. For several decades, there has been proposed a connector road that would connect from I-664 to the Mercury Central area. The cost of this road has risen from \$24 million to \$50 million. A consultant studied the area and concluded that other road improvements could replace the one connector road with the effect of being less costly and more effective. Last month, City Engineer, Fred Whitley, gave a very detailed presentation on the package of road improvements that would substitute for the one road. In May, City Council requested the Virginia Department of Transportation (VDOT) to formally consider the substitutions for the original I-664 connector road. City Council and various community groups have received a briefing on these proposals, the Planning Department hosted a public meeting, and the Planning Commission held a public hearing on the amendment last month. In order to substitute the road improvements for the one connector road, it is necessary to amend the local plan in order to get the changes into both the regional and State transportation plan. Therefore, Planning staff asks that the Planning Commission recommend to City Council approval of the package of road improvements and to amend the transportation and land use element of the 2010 Comprehensive Plan.

Mr. O'Neill recalled to the Commission that staff recommended deferral of the specific rezoning action that is directly related to whatever action Council may take regarding the Crossroads project until after Council has had their public hearing and rendered their decisions. Staff has moved forward with this amendment that involves both the road and generic land use for that area. Staff believes it is in the long-term best interest of the city to incorporate these changes into the long range plan irrespective of what Council decides to do relative to the Crossroads project. It does not necessarily implement the specifics of the Crossroads project, but it does remove the I-664 connector and creates a land use that has been recommended in the long range plan for some time now.

In response to a question by Commissioner Pilgrim, Ms. Butler stated the three houses located at the southeast portion of the proposed area are not included in the rezoning action. The only properties included in the rezoning are publicly owned properties either by the city or the Hampton Redevelopment and Housing Authority.

In response to a comment by Commissioner Gilliland, Mr. O'Neill stated staff tried to identify general transportation improvements rather than exact alignments, because those who have been involved in road projects know that a functional or general corridor is laid out and the engineers decide specifically where the roads will go. What staff is in essence doing at this level of planning is proposing to replace out the I-664 connector in

the transportation plan with a package of improvements that will generally involve a local road of improvements. They will be described as a type of linked road from Armistead Avenue into the project site to be developed. It would also include an extension of Coliseum Drive to North Armistead Avenue and all other associated improvements. From staff's perspective, it sets a course that can be modified. For example: if there is a new development scenario for the publicly owned property, the road does not have to follow the exact alignment shown on the drawing from Coliseum Drive to North Armistead Avenue, but it does state that with any type of commercial development, there would likely be an arterial road that connects Coliseum Drive to North Armistead Avenue to create the location and serve the traffic that will flow through. The major aspect is: does the city substitute some local set of improvements for the alignment? Staff believes that with everything that has transpired around the project, the improvements would be in the best interest of the city.

Commissioner Wallace stated the only position to add to Mr. O'Neill's statement is that something needs to be communicated to VDOT relative to change or modifications, and there is no harm or irreparable damage to taking this action on this day.

In response to a question by Commissioner Glass, Mr. O'Neill stated at the city's request, the proposal can be deferred as long as the Commission wants.

In response to a question by Commissioner Glass, Mr. Whitley stated deferring the request would not create a hardship. It would just push everything back a month. This is one step in the process.

In response to a question by Commissioner Glass, Mr. O'Neill stated the typical process in amending a transportation plan is when something is modified, either the original issue that was in place for correction no longer exists, or there is a replacement set of improvements that would address the transportation issues.

In response to a question by Commissioner Pilgrim, Mr. O'Neill stated it is his understanding or belief that VDOT does not care so much about how it is done as the function of what the road will do. Mr. Whitley stated the most critical piece of eliminating the I-664 connector is how do we describe or depict the substitution of improvements.

In response to a question by Commissioner Pilgrim, Mr. O'Neill stated staff can certainly add additional language for the roadways if that is the Commission's pleasure that makes them more comfortable. His point, whether good, bad, or indifferent, is that in general, at this level of making improvements, that is in fact what they are doing. They have the ability to shift and move as long as it is functional to move traffic from point A to Point B, which has been identified in the city's study and the consultant's study.

Commissioner Glass suggested that in the proposed package of road improvements that will substitute for the I-664 Connector Road to Armistead Avenue to be changed in bullet 1 and 2 to read:

- The extension of Coliseum Drive from Pine Chapel Road to Armistead Avenue; and
- A new “link road” from Crossroads Parkway to Armistead Avenue.

She stated this will remove the various specific road improvements, and she personally has no problem moving forward.

Mr. O'Neill stated he now understands as the Commission talks through this issue, and that maybe it does warrant a deferral. He stated at some point, if the scenario now which is if the Crossroads project is approved and moves forward, the Commission does need to identify some general corridor so that if the project moves forward there will be some type of property acquisition. He stated if we used from Armistead to the Crossroads Parkway, it does not give direction to the exact corridor, and the property acquisition will be somewhat fuzzy for the people. He stated there are two pieces: one is the conveyance to VDOT that the I-664 connector is not a project that the city wants to go forward with. The second piece is how specific the city needs to be, given the particular project that is being discussed.

Commissioner Wallace stated there is nothing historically that Council has done other than this project that leaves any question that they don't have any intention of not going through with it. The process and issues associated with this project have been very public, and has been debated and discussed for two to two and a half years. It is the intent to move forward.

Mr. Whitley stated it is a matter of judgment call as to whether the delay will affect the material schedule if the Commission decides to postpone the request.

Commissioner Gilliland stated the Crossroads project is a done deal and a number of votes have been taken to move the project along in terms of studies, initial data, etc. but with the exception of allocating \$7.8 million sometime back to fund those kinds of projects. Until the \$110 million bond issue has been made, it is not a project.

In response to a question by Commissioner Heath, Mr. O'Neill stated because the Planning Commission is the body who forwards the recommendation to City Council, the Commission can move forward with a recommendation of both the land use and transportation issues, with the caveat pending Council's decision on the project, the Commission may wish to revisit the decision after the vote. In other words, if Council decides to go into a different direction, then the Commission has that caveat that staff brings the request back to the Commission for discussion again. If Council moves forward with the Convention Center/Crossroads project as it is envisioned at the moment, then the improvements from staff's perspective will be in line with that action.

After discussion, the Commission approved the following resolution:

Land Use Element

WHEREAS: The 2010 Comprehensive Plan designates the area in the vicinity of the Coliseum for "community facilities" which reflects its current use as a public arena; and at each public meeting on the Crossroads Project, City Council has endorsed its intent to proceed; and

WHEREAS: Although no changes are planned for the use or the structure of the Coliseum, commercial uses are envisioned for the area around it, and the future land use of this area should therefore more appropriately be designated for "commercial/mixed-use"; and

Transportation Element

WHEREAS: The 2010 Comprehensive Plan recommends a connector road from Interstate 664 extending east to Armistead Avenue to access and serve the Coliseum Central area; and

WHEREAS: In the twenty-plus years that this connector road has been in the local, regional and state transportation plan, its cost has doubled and its effectiveness has diminished; and

WHEREAS: The City commissioned a consultant study that concluded that substituting a package of road improvements for this single connector road would be more effective and cost less than the original recommendation; and

WHEREAS: City Council requested the Virginia Department of Transportation to accept the proposed substitute of road improvements, and amending the 2010 Comprehensive Plan paves the way for that approval; and

WHEREAS: Staff noted that the proposed package of road improvements shows general rather than exact alignments because the latter will be determined by engineering requirements; and

WHEREAS: Some of the proposed road improvements in the vicinity of the Coliseum impact a proposed commercial development called the Crossroads Project; and

WHEREAS: Commissioner Gilliland stated that City Council has not yet approved the bond issue to fund the Crossroads Project; and

WHEREAS: Commissioner Wallace stated that WHEREAS: The Commission has before it this day an amendment to the land use and transportation elements of the 2010 Comprehensive Plan that is prompted by future commercial development and changing transportation needs in the Coliseum Central area; and

WHEREAS: Staff said that even if the Crossroads Project is not approved by City Council, an arterial road is still needed to connect the Coliseum area with Armistead Avenue and that the package of proposed road improvements can be modified to accommodate any future commercial development in the vicinity of the Coliseum; and

WHEREAS: Staff noted that the proposed package of road improvements shows general rather than exact alignments because the latter will be determined by engineering requirements; and

WHEREAS: Commissioner Wallace advised that the City needs to communicate its intentions to the Virginia Department of Transportation regarding the removal of the Interstate 664 connector road to Armistead Avenue, and this amendment is the vehicle for doing that; and

WHEREAS: The City Engineer said the Commission could defer action on the package of road improvements for a month, but it is critical to delete the reference to the I-664 connector road from the 2010 Comprehensive Plan now so that VDOT can pursue its removal from the state transportation plan; and

WHEREAS: Staff suggested that Planning Commission's recommendation of approval be forwarded to City Council with a request that if Council decides not to approve the proposed Crossroads Project, the amendment would be returned to the Commission for further discussion; and

WHEREAS: A series of public meetings has been held on this proposal, and the Planning Commission has conducted two public hearings at which the only citizens' comments related to the effect of the road improvements on two individual's properties; and

WHEREAS: The Planning Commission took no action at its August 14, 2002 public hearing and deliberated on the proposal at its September 9, 2002 public hearing; and

NOW, THEREFORE, on a motion by Commissioner George E. Wallace and seconded by Commissioner Harold O. Johns,

BE IT RESOLVED THAT the Hampton Planning Commission does hereby recommend to the Honorable City Council that the proposed amendments to the land use and transportation elements of the 2010 Comprehensive Plan be approved with the proviso that if Council does approve the Crossroads Project, the amendment will be referred back to the Planning Commission for additional deliberation.

A roll call vote on the motion resulted as follows:

AYES: Smith, Johns, Glass, Wallace, Pilgrim, Heath
NAYS: Gilliland

ABST: None
ABSENT: None

ITEM VI. REZONING APPLICATION NO. 1157

Chairman Heath read the description of the next agenda item.

Rezoning Application No. 1157 by the City of Hampton to amend Rezoning Application No. 1127, approved on 9/13/00 by City Council, by rezoning the following properties from R-9, One-Family Residential District to C-3, General Commercial District: 2229, 2221, a vacant parcel adjacent to 2221 to the east, 2135, 2131, 2129, 2049, 2045 and a vacant parcel adjacent to 2045 to the east W. Pembroke Avenue; and, 675, 677, 681, 691, 692 and 694 Greenbriar Avenue. This amendment was the original intent of the Greater Wythe Area Planning Team's and City staff's recommendation in Rezoning Application No. 1127.

Ms. Jeryl Phillips, City Planner, stated the request before the Commission is essentially a housekeeping measure to correct a final documentation error that occurred in processing a comprehensive Rezoning Application No. 1127 in 2000 for homes and businesses in the area of West Pembroke Avenue, Childs Avenue, Vaughn Avenue and Greenbriar Avenue. She stated all of the addresses that were included as being under consideration for a zoning boundary change between C-3 and the then R-9 zone, the entire area was advertised as being under consideration. They were incorrectly documented in the Final Notice of Action from City Council as being rezoned to R-9 when only a portion were intended to be rezoned. The intention was the result of numerous meetings with property owners in the area at the time. In order to correct this error, the City Attorney's Office has determined that a new set of public hearings is required. All affected property owners and those adjacent have received notification of this amendment. Ms. Phillips stated she has talked with some of them and they seem to understand what has happened. Therefore, staff is requesting that the Commission recommend approval of Rezoning Application No. 1157, initiated by the City of Hampton, as an amendment to Rezoning Application No. 1127 to rezone the following from One Family Residence District (R-9) to General Commercial District (C-3). On West Pembroke Avenue, the following addresses include: 2229, 2221, the vacant parcel to the east of 2221, 2135, 2131, 2129, 2049, 2045 and the vacant parcel to the east of 2045. On West Pembroke Avenue, the following addresses on Greenbriar Avenue include: 675, 677, 681, 692, and 694.

In response to a comment by Chairman Heath, Ms. Phillips stated the agenda package should state 2049 W. Pembroke Avenue instead of 2149, and it was advertised in the Daily Press as 2049.

Ms. Sandra Bailey, 681 Greenbriar Avenue, wanted to know what impact the rezoning would have on her property.

Mr. O'Neill stated that if Ms. Bailey's property were destroyed by fire, she would not be able to rebuild because she has a legal non-conforming use.

In response to a question by Chairman Heath, Mr. O'Neill stated the percentage is seventy-five percent or more of the replacement value. If there is destruction beyond that amount, she would not be able to rebuild on the property for residential use. If this action moves forward, Ms. Bailey is allowed to expand or renovate currently as a legal non-conforming use.

Ms. Lafaurn Bolden, 418 Alleghany Road, representing her mother who lives at 651 Vaughn Avenue, wanted to know if her mother's property would remain residential.

Mr. O'Neill stated as Ms. Phillips described in her presentation, this was a clerical error on the part of city staff, and as staff's recommendation, it is to re-approve the previous application to make sure to the extent for the attorneys that they are comfortable with the legalities.

In response to a question by Chairman Heath, Ms. Phillips stated 651 Vaughn Avenue is currently zoned R-9 and will remain R-9. The property is adjacent to the area that staff is requesting is for C-3.

Mr. George Gainor, 215 Aspenwood Drive, owner of the apartments located at 675, 677, and 691. He wanted to know if the apartments will remain C-3.

Mr. O'Neill stated the property has been C-3, and has been considered C-3 ever since the first action. This is just a legal issue for the City Attorney's Office.

In response to a question by Commissioner Smith, Mr. O'Neill stated Ms. Bailey's property is in a unique situation because she has a residential use, and yet the property has frontage of West Pembroke Avenue. There was a great deal of conversation as to how to deal with Ms. Bailey's property. Ultimately both staff and the Greater Wythe Planning Team decided that the West Pembroke Avenue frontage, long term, should be commercial properties, and it was understood that this does put Ms. Bailey's property as a legal non-conforming use. Ms. Bailey is allowed to apply for a rezoning on her own behalf to seek the Commission and Council to rezone her single piece of property, but given the broad overall rezoning approach to this issue that was initiated by the Greater Wythe Team who concurred that it was in the best interest of the overall objective of the rezoning not to rezone this single piece of property. All other properties that were single-family that were considered at one time for commercial zoning, came to a successful resolution on those properties other than Ms. Bailey.

After discussion, the Commission approved the following resolution.

WHEREAS: The Planning Commission had before it this day Rezoning Application No. 1157, by the City of Hampton, to amend Rezoning Application No. 1127, approved on 9/13/00 by City Council, to rezone the following properties from R-9, One-Family Residential District to C-3, General Commercial District: On W. Pembroke Avenue—2229, 2221, the vacant parcel adjacent to the east of 2221 that does not have an address, 2135, 2131, 2129, 2049, 2045 and the vacant parcel adjacent to the east of

2025 which does not have an address; and on Greenbriar Avenue—675, 677, 681, 691, 692 and 694; and,

WHEREAS: This amendment was the original intent of the Greater Wythe Area Planning Team's and City Staff's recommendation in Rezoning Application No. 1127, such that these properties were to remain zoned C-3, and this was the recommendation of the Planning Commission, and this was what was adopted by the City Council; however, the Final Notice of Action by City Council did not note this correctly; and,

WHEREAS: Upon review of the written and audio record of the Planning Commission and City Council public hearings, the City Attorney determined that the Final Notice of Action did not reflect the action taken by the City Council, and that new public hearings for a rezoning must be held in order to correct the error because the Final Notice of Action cannot be revised; and,

WHEREAS: All property owners were notified in writing of the situation and of the rezoning application procedure for remedying the problem, and a public notice was placed in the local newspaper; and,

WHEREAS: During the public hearing, Mrs. Sandra Bailey, who owns 681 Greenbriar Avenue, and whose property was mistakenly zoned from C-3 to R-9 in 2000, appeared to ask for clarification regarding the non-conforming status of her single-family residence located at 681 Greenbriar Avenue should it be rezoned back to C-3 from R-9; and, the Planning Director, Mr. O'Neill, explained that she would not be able to rebuild her residence if it were destroyed beyond seventy-five percent of its assessed value but that she could make improvements and additions to it as a non-conforming use; and, Mr. O'Neill further explained for the benefit of those Commissioners not present in 2000 that, during the community meetings which occurred prior to Rezoning Application No. 1127 in 2000, much consideration and debate focused on Mrs. Bailey's property since it has frontage on both W. Pembroke and Vaughan Avenues, and it was collectively decided by the community and staff that her property should remain zoned C-3; and,

WHEREAS: Also during the public hearing, a representative for Ms. McCadden, who owns property at 651 Vaughan Avenue, appeared to ask for clarification to ensure that 651 Vaughan Avenue is not proposed to be rezoned back from R-9 to C-3; and, it was stated by staff that it is not affected by this rezoning application and, therefore, will remain zoned R-9; and,

WHEREAS: Also during the public hearing, Mr. Gaynor, who owns property located at 691, 677 and 675 Greenbriar Avenue, stated that he was not aware that his property, which had been zoned C-3 in 2000, had been rezoned to R-9 in 2000, and that he would like it to return to C-3 zoning; and,

whereas, he was assured by Mr. O'Neill and staff that his property is being returned to the correct C-3 zoning through this application; and,

WHEREAS: Chairman Heath noted that the recommendation in the written Staff Report notes that 2149 W. Pembroke Avenue should be rezoned from R-9 to C-3, when it should be 2049 W. Pembroke Avenue; and, whereas, staff noted that this was an enumeration error, that it should be 2049 W. Pembroke, and the public notification to property owners and public notification in the local newspaper listed the address as 2049 W. Pembroke; and, that the written Staff Report would be corrected; and,

WHEREAS: There was no further discussion by the Planning Commission.

NOW, THEREFORE, on a motion by Commissioner Gilliland and seconded by Commissioner Glass,

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable City Council approval of Rezoning Application No. 1157, as an amendment to Rezoning Application No. 1127, to rezone the following properties from R-9 to C-3: On W. Pembroke Avenue-- 2229, 2221, the vacant parcel adjacent to the east of 2221 that does not have an address, 2135, 2131, 2129, 2049, 2045 and the vacant parcel adjacent to the east of 2025 which does not have an address; and on Greenbriar Avenue—675, 677, 681, 691, 692 and 694.

A roll call vote on the motion resulted as follows:

AYES: Smith, Johns, Pilgrim, Glass, Gilliland, and Wallace.

NAYS: None

ABST: None

ABSENT: Heath

ITEM VII. PLANNING DIRECTOR'S REPORT

Mr. O'Neill notified the Commission that staff is close to moving into their new building. There will be a dedication ceremony for the building on Saturday, October 5th, and there will be an open house afterwards. If the Commissioners cannot make the ceremony, they are welcome to stop by anytime to view the departments.

ITEM VIII. ITEMS BY THE PUBLIC

There were no items by the public.

ITEM IX. MATTERS BY THE COMMISSION

There were no matters by the Commission.

ITEM X. ADJOURMENT

There being no additional items to come before the Commission, the meeting adjourned at 4:50 p.m.

Respectfully submitted,

Terry P. O'Neill
Secretary to Commission

APPROVED BY:

Ralph A. Heath, III
Chairman